

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL SCOTT FROST,

Defendant.

CR 11-21-BU-DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan's Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 119.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Mr. Frost's admissions at the hearing, that he violated three conditions of supervised release: the mandatory condition that he not

commit another federal, state, or local crime (Mand. Cond. 1); the mandatory condition that he not unlawfully possess a controlled substance (Mand. Cond. 2); the standard condition that he not knowingly leave the federal judicial district where he was authorized to reside without first getting permission from the court or a probation officer (Stand. Cond.3); and the standard condition that he not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (Stand. Cond. 10). (Doc. 119 at 7–8.)

Judge Cavan recommends that this Court revoke Mr. Frost’s supervised release and sentence him to a custodial sentence of twelve (12) months imprisonment, followed by no term of supervised release. (Doc. 119 at 8.) Judge Cavan also recommends that the United States’ motion to dismiss Violation No. 5 should be granted. (*Id.*) Finally, Judge Cavan recommends that this Court recommend that Mr. Frost be placed for incarceration at FCI Terminal Island. (*Id.*) The Court finds no clear error in Judge Cavan’s Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan’s Findings and Recommendations (Doc. 119) is ADOPTED in full.

IT IS FURTHER ORDERED that The United States’ motion to dismiss Violation No. 5 is GRANTED.

Mr. Frost shall be sentenced in conformity with Judge Cavan’s

recommendation in the judgment filed concurrently with this Order.

DATED this 30th day of October, 2023.



Dana L. Christensen, District Judge
United States District Court